

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "said boss recess" in Line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Holmes et al., US 6,138,317.

Holmes et al. disclose the claimed invention including a kit (50) comprising a rotary brush having a head (10; Column 5 Lines 47-48) having a top side and underside (respective upper and lower surfaces of 10 as shown in Figure 3), the underside having a central region (32) and a peripheral region (34) having bristles (portion including bristles 12, Figures 2 or 4), a head recess in the central region (30), and a set of diverse fasteners (Column 5 Lines 47-65), a removable spool housing (24) attached to a shaft

(22), the shaft extendable into the head recess (Figure 3), and a fastener (48) connecting the shaft to a boss recess (46, via 18).

3. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pauler et al., US 3,344,455.

Pauler et al. disclose the claimed invention including a kit comprising a rotary brush having a head (51) having a top side and underside (respective upper and lower surfaces of 51 as shown in Figure 1, head 51 includes 56, 76), the underside having a central region (along which 42 vertically extends through as shown in Figure 1), the peripheral region (where 76 is located) having bristles (14; Figure 1) and a head recess in the central region (recess through which 42 extends; or alternatively shown in Figure 1 as recessed region above where reference numerals "69" are located), and a set of diverse fasteners (including 42,70,54, 77), a removable spool housing (35) attached to a shaft (42), the shaft extendable into the head recess (Figure 1), and a fastener (70) connecting the shaft to a boss recess (boss recess is also where 42 is located, Figure 1). Regarding claim 13, the rotary brush further comprises a boss descending into the head recess (unlabeled, lowermost portion of 56 as shown in Figure 1), a boss recess in said boss (unlabelled, see Figure 1 where 54 is located), and a central aperture extending through the boss recess to the top side (where 42 extends), wherein the shaft is extendable into the boss recess (Figure 1). Regarding claim 14, there is a head recess formed by a protrusion on the top side (56 forms the head recess and has a protrusion on the top as shown in Figure 1). Regarding claim 15, there is a protective

insert in the boss recess (54). Regarding claim 16 the kit further includes a spacer cup (39 acts as a “spacer” and has a cup-like shape, Figure 1) and a washer (70).

4. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Masbruch et al., US 4,866,804.

Masbruch et al. disclose the claimed invention including a kit comprising a rotary brush having a head (22) having a top side and underside (respective upper and lower surfaces of 22 as shown in Figure 1), the underside having a central region (where 26 is located), the peripheral region (where 24 is located) having bristles (24; Figure 1) and a head recess in the central region (where 26 is located and includes the open recess area of 30, 32), and a set of diverse fasteners (including 18, 19, 20, 29, 38), a removable spool housing (16) attached to a shaft (14), the shaft extendable into the head recess (when assembled, see Figures), and a fastener (38) connecting the shaft to a boss recess (via 50, 54 Column 2 Line 67 to Column 3 Line 21; boss recess is also where 30, 32 are located, Figure 1).

Response to Arguments

5. Applicant's arguments with respect to claims 12-16 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the Applicant did not present any specific arguments with regards to Pauler et al. or Holmes et al.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Patent Examiner
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